

111TH CONGRESS
1ST SESSION

H. R. 427

To prohibit the transfer of personal information to any person or business outside the United States, without notice.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2009

Mr. POE of Texas introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To prohibit the transfer of personal information to any person or business outside the United States, without notice.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Notify Americans Be-
5 fore Outsourcing Personal Information Act”.

6 **SEC. 2. PROTECTION OF PERSONALLY IDENTIFIABLE IN-**
7 **FORMATION FROM UNAUTHORIZED TRANS-**
8 **FER.**

9 (a) IN GENERAL.—A business shall not transfer per-
10 sonally identifiable information regarding a citizen of the

1 United States to any foreign affiliate or subcontractor lo-
2 cated in another country without providing that citizen
3 written notice that such information may be transferred
4 to such foreign affiliate or subcontractor.

5 (b) PLAIN LANGUAGE REQUIREMENT.—Written no-
6 tice must be sent by regular mail, not e-mail, and separate
7 from any other financial disclosure or information. It must
8 be written in easily understandable, plain language.

9 (c) NOTICE PERIOD.—Written notice must be pro-
10 vided to a citizen of the United States at least ninety (90)
11 days before such information may be transferred to any
12 foreign affiliate or subcontractor.

13 **SEC. 3. PRIVATE CAUSE OF ACTION.**

14 To enforce compliance with this Act, to obtain dam-
15 ages, including compensatory and punitive; to obtain in-
16 junctive relief; and to obtain any other compensation, a
17 private cause of action in State court is authorized.

18 **SEC. 4. EFFECTIVE DATE.**

19 This Act shall take effect on the 90th day beginning
20 after the date of the enactment of this Act.

21 **SEC. 5. DEFINITIONS.**

22 As used in this Act, the following definitions apply:

23 (1) BUSINESS.—The term “business” means
24 any financial institution that collects or retains per-
25 sonally identifiable information.

1 (2) PERSONALLY IDENTIFIABLE INFORMA-
2 TION.—The term “personally identifiable informa-
3 tion” includes information such as, but not limited
4 to:

- 5 (A) name;
- 6 (B) postal address;
- 7 (C) financial information;
- 8 (D) date of birth;
- 9 (E) phone number (landline and/or cell
10 phone);
- 11 (F) e-mail address;
- 12 (G) social security number;
- 13 (H) mother’s maiden name;
- 14 (I) password for access to electronic Inter-
15 net records;
- 16 (J) driver’s license number; and
- 17 (K) personal tax information.

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